

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 469

AN ACT

2 To repeal sections 32.056, 43.530, 50.640,  
3 115.157, 221.070, 454.470, 455.027, 455.075,  
4 455.504, 455.536, 478.610, 483.015, 483.083,  
5 488.2250, 488.2253, 488.4014, 488.5320,  
6 494.425, 511.350, 535.030, 565.084, 590.653,  
7 595.045, and 595.050, RSMo, and to enact in  
8 lieu thereof twenty-eight new sections  
9 relating to court personnel and their duties,  
10 with an expiration date and penalty  
11 provisions.

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
13 AS FOLLOWS:

14 Section A. Sections 32.056, 43.530, 50.640, 115.157,  
15 221.070, 454.470, 455.027, 455.075, 455.504, 455.536, 478.610,  
16 483.015, 483.083, 488.2250, 488.2253, 488.4014, 488.5320,  
17 494.425, 511.350, 535.030, 565.084, 590.653, 595.045, and  
18 595.050, RSMo, are repealed and twenty-eight new sections enacted  
19 in lieu thereof, to be known as sections 32.056, 43.530, 50.640,  
20 115.157, 217.860, 221.070, 429.011, 454.470, 455.027, 455.075,  
21 455.504, 455.536, 478.610, 483.015, 483.083, 488.2250, 488.2253,  
22 488.4014, 488.5019, 488.5320, 494.425, 511.350, 535.030, 565.084,  
23 589.313, 590.653, 595.045, and 595.050, to read as follows:

1           32.056. The department of revenue shall not release the  
2 home address or any other information contained in the  
3 department's motor vehicle or driver registration records  
4 regarding any person who is a state or federal judge, a state or  
5 federal prosecutor, a county, state or federal parole officer [or  
6 who is], a federal pretrial officer [or who is], a peace officer  
7 pursuant to section 590.100, RSMo, or a member of [the parole  
8 officer's, pretrial officer's or peace officer's] any such  
9 person's immediate family based on a specific request for such  
10 information from any person. Any such person [who is a county,  
11 state or federal parole officer or who is a federal pretrial  
12 officer or who is a peace officer pursuant to section 590.100,  
13 RSMo,] listed in this section may notify the department of such  
14 status and the department shall protect the confidentiality of  
15 the records on such a person and his or her immediate family as  
16 required by this section. This section shall not prohibit the  
17 department from releasing information on a motor registration  
18 list pursuant to section 32.055 or from releasing information on  
19 any officer who holds a class A, B or C commercial driver's  
20 license pursuant to the Motor Carrier Safety Improvement Act of  
21 1999, as amended, 49 U.S.C. 31309.

22           43.530. For each request received by the central  
23 repository, as defined in subdivision (1) of section 43.500, the  
24 requesting entity shall pay a fee of not more than five dollars

1 per request for criminal history record information and pay a fee  
2 of not more than fourteen dollars per request for classification  
3 and search of fingerprints. Each such request shall be limited  
4 to check and search on one individual. Each request shall be  
5 accompanied by a check, warrant, voucher, [or] money order, or  
6 electronic payment payable to the state of Missouri-criminal  
7 record system. The highway patrol may establish procedures for  
8 receiving requests for criminal history record information for  
9 classification and search for fingerprints, from courts and other  
10 entities, and for the payment of such requests. There is hereby  
11 established by the treasurer of the state of Missouri a fund to  
12 be entitled as the "Criminal Record System Fund". Beginning  
13 January 1, 2004, for purposes of obtaining criminal records prior  
14 to issuance of a school bus operator's permit pursuant to section  
15 302.272, RSMo, and for determining eligibility for such permit,  
16 the applicant for such permit shall submit two sets of  
17 fingerprints to the director of revenue when applying for the  
18 permit. The fingerprints shall be collected in a manner approved  
19 by the superintendent of the highway patrol. The school bus  
20 permit applicant shall pay the appropriate fee described in this  
21 section and pay the appropriate fee determined by the Federal  
22 Bureau of Investigation for the federal criminal history record  
23 when he or she applies for the school bus permit. Collections  
24 for records described in this subsection shall be deposited in

1     the criminal record system fund. Notwithstanding the provisions  
2     of section 33.080, RSMo, to the contrary, if the moneys collected  
3     and deposited into this fund are not totally expended annually  
4     for the purposes set forth in section 43.527, the unexpended  
5     moneys in such fund shall remain in the fund and the balance  
6     shall be kept in the fund to accumulate from year to year.

7             50.640. 1. Except as otherwise provided in this section,  
8     all offices, departments, courts, institutions, commissions or  
9     other agencies spending moneys of the county shall perform the  
10    duties and observe the restrictions set forth in sections 50.540  
11    to 50.630 relating to budget procedure and appropriations. The  
12    estimates of the circuit court, including all activities thereof  
13    and of the circuit clerk, shall be transmitted to the budget  
14    officer by the circuit clerk. The estimates of the circuit clerk  
15    shall bear the approval of the circuit court. The budget officer  
16    or the county commission shall not change the estimates of the  
17    circuit court or of the circuit clerk without the consent of the  
18    circuit court or the circuit clerk, respectively, but shall  
19    appropriate in the appropriation order the amounts estimated as  
20    originally submitted or as changed, with their consent.

21            2. If the county governing body deems the estimates of the  
22    circuit court to be unreasonable, the governing body may file a  
23    petition for review with the judicial finance commission on a  
24    form provided by the judicial finance commission after the

1 estimates are included in the county budget. An amount equal to  
2 the difference between the estimates of the circuit court and the  
3 amounts deemed appropriate by the governing body shall be placed  
4 in a separate escrow account, and shall not be appropriated and  
5 expended until a final determination is made by the judicial  
6 finance commission under this subsection. The form provided by  
7 the judicial finance commission shall include an opportunity for  
8 the governing body and the circuit court to state their positions  
9 in a summary fashion. If a petition for review is filed, the  
10 circuit court shall have the burden of convincing the judicial  
11 finance commission that the amount estimated by it and included  
12 in the budget is reasonable. In determining if the circuit court  
13 estimate is reasonable, the judicial finance commission shall  
14 consider the expenditures necessary to support the circuit court  
15 in relation to the expenditures necessary for the administration  
16 of all other county functions, the actual or estimated operating  
17 deficit or surplus from prior years, all interest and debt  
18 redemption charges, all capital projects expenditures, and the  
19 total estimated available revenues from all sources available for  
20 financing the proposed expenditures. In determining the  
21 reasonableness of any budget estimate involving compensation, the  
22 judicial finance commission shall also consider compensation for  
23 county employees with similar duties, length of service and  
24 educational qualifications. The judicial finance commission

1 shall immediately order a settlement conference to determine if  
2 the matter can be resolved before ordering briefs and oral  
3 argument. Hearings and arguments before the judicial finance  
4 commission may be conducted telephonically. The judicial finance  
5 commission, to the maximum extent practicable, shall resolve the  
6 dispute prior to the beginning of the fiscal year in question.  
7 The judicial finance commission shall, if the dispute is not  
8 resolved by the parties, render an opinion on any petition  
9 brought pursuant to this section within one hundred twenty days  
10 of the filing of the petition, provided that if any of the  
11 parties causes an extension beyond the one hundred twenty-day  
12 period, the commission shall be allowed an additional thirty days  
13 to render its opinion, however, if the dispute is submitted  
14 within ninety days of the end of the fiscal year, the commission  
15 shall resolve the dispute within ninety days of the beginning of  
16 the subsequent fiscal year. The county governing body may file  
17 and prosecute a petition for review without representation by  
18 counsel.

19 115.157. 1. The election authority may place all  
20 information on any registration cards in computerized form in  
21 accordance with subsection 2 of section 115.158. No election  
22 authority or secretary of state shall furnish to any member of  
23 the public electronic media or printout showing any registration  
24 information, except as provided in this section. Except as

provided in subsection 2 of this section, the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

(1) Voter identification number;

(2) First name;

(3) Middle initial;

(4) Last name;

(5) Suffix;

(6) Street number;

(7) Street direction;

(8) Street name;

(9) Street suffix;

(10) Apartment number;

(11) City;

(12) State;

(13) Zip code;

(14) Township;

(15) Ward;

(16) Precinct;

(17) Senatorial district;

(18) Representative district;

1           (19) Congressional district.

2       All election authorities shall enter voter history in their  
3       computerized registration systems and shall, not more than six  
4       months after the election, forward such data to the centralized  
5       voter registration system established in section 115.158. Except  
6       as provided in subsection 2 of this section, the election  
7       authority shall also furnish, for a fee, electronic media or a  
8       printout showing the names, dates of birth and addresses of  
9       voters, or any part thereof, within the jurisdiction of the  
10      election authority who voted in any specific election, including  
11      primary elections, by township, ward or precinct, provided that  
12      nothing in this chapter shall require such voter information to  
13      be released to the public over the Internet. The amount of fees  
14      charged for information provided in this section shall be  
15      established pursuant to chapter 610, RSMo. All revenues  
16      collected by the secretary of state pursuant to this section  
17      shall be deposited in the state treasury and credited to the  
18      secretary of state's technology trust fund account established  
19      pursuant to section 28.160, RSMo. In even-numbered years, each  
20      election authority shall, upon request, supply the voter  
21      registration list for its jurisdiction to all candidates and  
22      party committees for a charge established pursuant to chapter  
23      610, RSMo. Except as provided in subsection 2 of this section,



1 all election authorities shall make the information described in  
2 this section available pursuant to chapter 610, RSMo. Any  
3 election authority who fails to comply with the requirements of  
4 this section shall be subject to the provisions of chapter 610,  
5 RSMo.

6 2. Any person working as an undercover officer of a local,  
7 state or federal law enforcement agency, persons in witness  
8 protection programs, state or federal judges, state or federal  
9 prosecutors, and victims of domestic violence and abuse who have  
10 received orders of protection pursuant to chapter 455, RSMo,  
11 shall be entitled to apply to the circuit court having  
12 jurisdiction in his or her county of residence to have the  
13 residential address on his or her voter registration records  
14 closed to the public if the release of such information could  
15 endanger the safety of the person. Any person working as an  
16 undercover agent or in a witness protection program shall also  
17 submit a statement from the chief executive officer, as defined  
18 in subsection 2 of section 590.100, RSMo, of the agency under  
19 whose direction he or she is serving. The petition to close the  
20 residential address shall be incorporated into any petition for  
21 protective order provided by circuit clerks pursuant to chapter  
22 455, RSMo. If satisfied that the person filing the petition  
23 meets the qualifications of this subsection, the circuit court  
24 shall issue an order to the election authority to keep the

1 residential address of the voter a closed record and the address  
2 may be used only for the purposes of administering elections  
3 pursuant to this chapter. The election authority may require the  
4 voter who has a closed residential address record to verify that  
5 his or her residential address has not changed or to file a  
6 change of address and to affirm that the reasons contained in the  
7 original petition are still accurate prior to receiving a ballot.  
8 A change of address within an election authority's jurisdiction  
9 shall not require that the voter file a new petition. Any voter  
10 who no longer qualifies pursuant to this subsection to have his  
11 or her residential address as a closed record shall notify the  
12 circuit court. Upon such notification, the circuit court shall  
13 void the order closing the residential address and so notify the  
14 election authority.

15 217.860. 1. There is hereby created within the department  
16 of corrections a "Task Force on Alternative Sentencing". The  
17 primary duty of the task force is to develop a statewide plan for  
18 alternative sentencing programs for nonviolent offenders. The  
19 plan shall include, but not be limited to, the following:

20 (1) Public-private partnerships;

21 (2) Job training;

22 (3) Job placement; and

23 (4) Alcohol and drug rehabilitation.

24 2. In developing this statewide plan the task force shall

1 at a minimum acquire and review the following information:

2 (1) The cost per year to incarcerate one nonviolent  
3 offender;

4 (2) The cost of the proposed alternative sentencing program  
5 or programs per year;

6 (3) The estimated number per year, for the past five years,  
7 of incarcerated nonviolent offenders who were eligible to have  
8 been placed on probation had there been in existence a suitable  
9 alternative sentencing program; and

10 (4) A list of the top five cities or regions of the state  
11 which have produced the largest number of nonviolent offenders  
12 for the last five years.

13 3. The task force created in this section shall be  
14 comprised of the following members or their designees:

15 (1) The director;

16 (2) The director of the division of probation and parole;

17 (3) Six probation and parole officers or supervisors, one  
18 from each of the six regions of the state, who shall be appointed  
19 by the director of the division of probation and parole;

20 (4) One member of the department of economic development's  
21 workforce development office who shall be appointed by the  
22 director of the department of economic development;

23 (5) One circuit or associate circuit judge from a circuit  
24 which has a drug court who shall be appointed by the chief

1 justice of the Missouri supreme court;

2 (6) Three chief executive officers of three different  
3 private businesses that employ a minimum of fifteen employees  
4 each who shall be appointed by the governor; and

5 (7) Two persons who have recently successfully completed  
6 terms of probation, one from each of the two regions of the state  
7 which have had the highest number of nonviolent offenders for the  
8 past five years, who shall be appointed by the director of the  
9 division of probation and parole.

10 4. The task force shall meet at least quarterly and shall  
11 submit its recommendations and statewide plan for an alternative  
12 sentencing program or programs to the governor, to the general  
13 assembly, and to the director by December 31, 2004.

14 5. Members of the task force shall receive no additional  
15 compensation but shall be eligible for reimbursement for expenses  
16 directly related to the performance of task force duties.

17 6. The provisions of this section terminate on May 31,  
18 2005.

19 221.070. Every person who shall be committed to the common  
20 jail within any county in this state, by lawful authority, for  
21 any offense or misdemeanor, if he or she shall [be convicted]  
22 plead guilty or be found guilty thereof, shall bear the expense  
23 of carrying him or her to said jail, and also his or her support  
24 while in jail, before he or she shall be discharged; and the

1 property of such person shall be subjected to the payment of such  
2 expenses, and shall be bound therefor, from the time of his or  
3 her commitment, and may be levied on and sold, from time to time,  
4 under the order of the court having criminal jurisdiction in the  
5 county, to satisfy such expenses.

6 429.011. As used in this chapter, the term "furnish  
7 machinery" shall include the furnishing of rental equipment,  
8 rental machinery, rental tools, scaffolds and forms to  
9 nonresidential property in an amount in excess of ten thousand  
10 dollars.

11 454.470. 1. [If a court order has not been previously  
12 entered or if a support order has been entered but is not  
13 entitled to recognition pursuant to sections 454.850 to 454.997,]  
14 The director may issue a notice and finding of financial  
15 responsibility to a parent who owes a state debt or who is  
16 responsible for the support of a child on whose behalf the  
17 custodian of that child is receiving support enforcement services  
18 from the division pursuant to section 454.425 if a court order  
19 has not been previously entered against that parent or if a  
20 support order from another state has been entered but is not  
21 entitled to recognition pursuant to sections 454.850 to 454.997.

22 A copy of the notice and finding shall be mailed to the last  
23 known address of both parents and any person or agency having  
24 custody of the child within fourteen days of the issuance of such

1 notice and finding. When appropriate to the circumstances of the  
2 individual action, the notice shall state:

3 (1) The name of the person or agency with custody of the  
4 dependent child and the name of the dependent child for whom  
5 support is to be paid;

6 (2) The monthly future support for which the parent shall  
7 be responsible;

8 (3) The state debt, if any, accrued and accruing, and the  
9 monthly payment to be made on the state debt which has accrued;

10 (4) A statement of the costs of collection, including  
11 attorney's fees, which may be assessed against the parent;

12 (5) That the parent shall be responsible for providing  
13 medical insurance for the dependent child;

14 (6) That if a parent desires to discuss the amount of  
15 support that should be paid, the parent or person having custody  
16 of the child may, within twenty days after being served, contact  
17 the division office which sent the notice and request a  
18 negotiation conference. The other parent or person having  
19 custody of the child shall be notified of the negotiated  
20 conference and may participate in the conference. If no  
21 agreement is reached on the monthly amount to be paid, the  
22 director may issue a new notice and finding of financial  
23 responsibility, which may be sent to the parent required to pay  
24 support by regular mail addressed to the parent's last known

1 address or, if applicable, the parent's attorney's last known  
2 address. A copy of the new notice and finding shall be sent by  
3 regular mail to the other parent or person having custody of the  
4 child;

5 (7) That if a parent or person having custody of the child  
6 objects to all or any part of the notice and finding of financial  
7 responsibility and no negotiation conference is requested, within  
8 twenty days of the date of service the parent or person having  
9 custody of the child shall send to the division office which  
10 issued the notice a written response which sets forth any  
11 objections and requests a hearing; and, that if the director  
12 issues a new notice and finding of financial responsibility, the  
13 parent or person having custody of the child shall have twenty  
14 days from the date of issuance of the new notice to send a  
15 hearing request;

16 (8) That if such a timely response is received by the  
17 appropriate division office, and if such response raises factual  
18 questions requiring the submission of evidence, the parent or  
19 person having custody of the child shall have the right to a  
20 hearing before an impartial hearing officer who is an attorney  
21 licensed to practice law in Missouri and, that if no timely  
22 written response is received, the director may enter an order in  
23 accordance with the notice and finding of financial  
24 responsibility;

1           (9) That the parent has the right to be represented at the  
2 hearing by an attorney of the parent's own choosing;

3           (10) That the parent or person having custody of the child  
4 has the right to obtain evidence and examine witnesses as  
5 provided for in chapter 536, RSMo, together with an explanation  
6 of the procedure the parent or person having custody of the child  
7 shall follow in order to exercise such rights;

8           (11) That as soon as the order is entered, the property of  
9 the parent required to pay support shall be subject to collection  
10 actions, including, but not limited to, wage withholding,  
11 garnishment, liens, and execution thereon;

12           (12) A reference to sections 454.460 to 454.510;

13           (13) That the parent is responsible for notifying the  
14 division of any change of address or employment;

15           (14) That if the parent has any questions, the parent  
16 should telephone or visit the appropriate division office or  
17 consult an attorney; and

18           (15) Such other information as the director finds  
19 appropriate.

20           2. The statement of periodic future support required by  
21 subdivision (2) of subsection 1 of this section is to be computed  
22 as follows:

23           (1) If there is sufficient information available to the  
24 division regarding the parent's financial and living situation,



1 the scale and formula provided for in section 454.480 shall be  
2 used; or

3 (2) If there is insufficient information available to use  
4 the scale and formula, an estimate of ability to pay shall be the  
5 basis of the statement.

6 3. Any time limits for notices or requests may be extended  
7 by the director, and such extension shall have no effect on the  
8 jurisdiction of the court, administrative body, or other entity  
9 having jurisdiction over the proceedings.

10 4. If a timely written response setting forth objections  
11 and requesting a hearing is received by the appropriate division  
12 office, and if such response raises a factual question requiring  
13 the submission of evidence, a hearing shall be held in the manner  
14 provided by section 454.475. If no timely written response and  
15 request for hearing is received by the appropriate division  
16 office, the director may enter an order in accordance with the  
17 notice, and shall specify:

18 (1) The amount of periodic support to be paid, with  
19 directions on the manner of payment;

20 (2) The amount of state debt, if any, accrued in favor of  
21 the department;

22 (3) The monthly payment to be made on state debt, if any;

23 (4) The amount of costs of collection, including attorney's  
24 fees, assessed against the parent;

1           (5) The name of the person or agency with custody of the  
2 dependent child and the name and birth date of the dependent  
3 child for whom support is to be paid;

4           (6) That the property of the parent is subject to  
5 collection actions, including, but not limited to, wage  
6 withholding, garnishment, liens, and execution thereon; and

7           (7) If appropriate, that the parent shall provide medical  
8 insurance for the dependent child, or shall pay the reasonable  
9 and necessary medical expenses of the dependent child.

10          5. The parent or person having custody of the child shall  
11 be sent a copy of the order by registered or certified mail,  
12 return receipt requested, addressed to the parent's last known  
13 address or, if applicable, the parent's attorney's last known  
14 address. The order is final, and action by the director to  
15 enforce and collect upon the order, including arrearages, may be  
16 taken from the date of issuance of the order. A copy of the  
17 order shall also be sent by regular mail to the person having  
18 custody of a child for whom an order is issued pursuant to this  
19 section.

20          6. Copies of the orders issued pursuant to this section  
21 shall be mailed within fourteen days of the issuance of the  
22 order.

23          7. Any parent or person having custody of the child who is  
24 aggrieved as a result of any allegation or issue of fact

1 contained in the notice and finding of financial responsibility  
2 shall be afforded an opportunity for a hearing, upon the request  
3 in writing filed with the director not more than twenty days  
4 after service of the notice and finding is made upon such parent  
5 or person having custody of the child, and if in requesting such  
6 hearing, the aggrieved parent or person having custody of the  
7 child raises a factual issue requiring the submission of  
8 evidence.

9 455.027. No filing fees, guardian ad litem fees, court  
10 costs, or bond shall be assessed to the petitioner in an action  
11 commenced pursuant to sections 455.010 to 455.085.

12 455.075. The court may order a [party] respondent to pay a  
13 reasonable amount to the other party for attorney's fees and  
14 guardian ad litem fees incurred prior to the commencement of the  
15 proceeding or after entry of judgment. The court shall consider  
16 all relevant factors, including the financial resources of both  
17 parties, and may order that the amount be paid directly to the  
18 attorney or guardian ad litem, who may enforce the order in his  
19 or her name, provided that the petitioner shall not be required  
20 to pay pursuant to any such order.

21 455.504. 1. The clerk of the court shall make available to  
22 the petitioner the uniform forms adopted by the supreme court  
23 pursuant to section 455.073. Except as provided in section  
24 455.510, clerks under the supervision of a circuit clerk shall

1 explain to litigants not represented by counsel the procedures  
2 for filing all forms and pleadings necessary for the presentation  
3 of their petition filed pursuant to the provisions of sections  
4 455.500 to 455.538 to the court. Notice of the fact that clerks  
5 will provide such assistance shall be conspicuously posted in the  
6 clerks' offices. The location of the office where a petition can  
7 be filed shall be conspicuously posted in the court building.  
8 The performance of duties prescribed in this section shall not  
9 constitute the practice of law as defined in section 484.010,  
10 RSMo. All duties of the clerk prescribed in this section shall  
11 be performed without cost to the litigants. The supreme court  
12 may promulgate rules as necessary to govern conduct of court  
13 clerks under sections 455.500 to 455.538, and shall provide forms  
14 for petitions and written instructions on filling out all forms  
15 and pleadings necessary for the presentation of the petition to  
16 the court.

17 2. No filing fees, guardian ad litem fees, court costs, or  
18 bond shall be assessed to the petitioner in an action commenced  
19 under sections 455.500 to 455.538.

20 3. The clerk shall immediately notify the guardian ad litem  
21 or court-appointed special advocate of appointment and shall  
22 provide such guardian or advocate with a copy of the petition for  
23 the order of protection for the child. The clerk shall provide  
24 such guardian or advocate with the names, addresses, and

1 telephone numbers of the parties within twenty-four hours of  
2 entry of the order appointing the guardian ad litem or  
3 court-appointed special advocate.

4 455.536. The court may order a respondent to pay a  
5 reasonable amount [for the cost to the petitioner of maintaining  
6 any proceeding under sections 455.500 to 455.538 and] for  
7 attorney's fees[, including sums for legal services rendered and  
8 costs] and guardian ad litem fees incurred prior to the  
9 commencement of the proceeding or after entry of judgment. The  
10 court shall consider all relevant factors, including the  
11 financial resources of both parties, and may order that the  
12 amount be paid directly to the attorney or guardian ad litem, who  
13 may enforce the order in his or her name, provided that the  
14 petitioner shall not be required to pay pursuant to any such  
15 order.

16 478.610. 1. There shall be three circuit judges in the  
17 thirteenth judicial circuit consisting of the counties of Boone  
18 and Callaway. These judges shall sit in divisions numbered one,  
19 two and three. Beginning on January 1, 2007, there shall be four  
20 circuit judges in the thirteenth judicial circuit and these  
21 judges shall sit in divisions numbered one, two, three, and four.

22 2. The circuit judge in division two shall be elected in  
23 1980. The circuit judges in divisions one and three shall be  
24 elected in 1982. The circuit judge in division four shall be

1 elected in 2006 for a two-year term and thereafter in 2008 for a  
2 full six-year term.

3         3. The authority for a majority of judges of the thirteenth  
4 judicial circuit to appoint or retain a commissioner pursuant to  
5 section 478.003 shall expire August 28, 2001. As of such date,  
6 there shall be one additional associate circuit judge position in  
7 Boone County than is provided pursuant to section 478.320.

8         483.015. 1. At the general election in the year 1982, and  
9 every four years thereafter, except as herein provided and except  
10 as otherwise provided by law, circuit clerks shall be elected by  
11 the qualified voters of each county [and of the city of St.  
12 Louis], who shall be commissioned by the governor, and shall  
13 enter upon the discharge of their duties on the first day in  
14 January next ensuing their election, and shall hold their offices  
15 for the term of four years, and until their successors shall be  
16 duly elected and qualified, unless sooner removed from office.

17         2. The court administrator for Jackson County provided by  
18 the charter of Jackson County shall be selected as provided in  
19 the county charter and shall exercise all of the powers and  
20 duties of the circuit clerk of Jackson County. The director of  
21 judicial administration and the circuit clerk of St. Louis County  
22 shall be selected as provided in the charter of St. Louis County.

23         3. When provision is made in a county charter for the  
24 appointment of a court administrator to perform the duties of a

1 circuit clerk or for the appointment of a circuit clerk, such  
2 provisions shall prevail over the provisions of this chapter  
3 providing for a circuit clerk to be elected. The persons  
4 appointed to fill any such appointive positions shall be paid by  
5 the counties as provided by the county charter or ordinance;  
6 provided, however, that if provision is now or hereafter made by  
7 law for the salaries of circuit clerks to be paid by the state,  
8 the state shall pay over to the county a sum which is equivalent  
9 to the salary that would be payable by law by the state to an  
10 elected circuit clerk in such county if such charter provision  
11 was not in effect. The sum shall be paid in semimonthly or  
12 monthly installments, as designated by the commissioner of  
13 administration.

14 4. Except as otherwise provided in this section, the  
15 circuit clerk of any city not within a county shall be appointed  
16 by a majority of the circuit judges and associate circuit judges  
17 of the circuit court of such circuit, en banc. The circuit clerk  
18 shall be removable for cause by a majority of the circuit judges  
19 and associate circuit judges of such circuit, en banc, in  
20 accordance with supreme court administrative rules governing  
21 court personnel. This subsection shall become effective on  
22 January 1, 2005, and shall not apply to any elected circuit  
23 clerks in office in any such circuits at that time until the end  
24 of his or her elected term. The persons appointed to fill any

1 such appointive positions shall be paid by the counties as  
2 provided by the county charter or ordinance; provided, however,  
3 that if provision is now or hereafter made by law for the  
4 salaries of circuit clerks to be paid by the state, the state  
5 shall pay over to the county a sum which is equivalent to the  
6 salary that would be payable by law by the state to an elected  
7 circuit clerk in such county if this section was not in effect.  
8 The sum shall be paid in semimonthly or monthly installments, as  
9 designated by the commissioner of administration. Upon the  
10 effective date of this subsection, sections 36.155 to 36.159,  
11 RSMo, shall apply to all circuit court personnel in any city not  
12 within a county; provided, however, that such employee may  
13 campaign for, be elected to, and hold the office of committee  
14 person for a political party.

15 483.083. 1. In addition to any salary adjustment made  
16 prior to August 28, 2003, as provided pursuant to section  
17 476.405, RSMo, each circuit clerk shall annually receive as  
18 compensation the following amounts as base salary:

19 (1) In counties of the first classification, thirty-six  
20 thousand one hundred forty-five dollars; except those counties  
21 where court is held in two cities, in which instance an  
22 additional four thousand dollars shall be added to the base  
23 salary;

24 (2) In all counties of the second or fourth classification,



1 thirty-one thousand nine hundred seventy-eight dollars; except  
2 those counties where court is held in two cities, thirty-five  
3 thousand five hundred forty-nine dollars;

4 (3) In the counties of the third classification,  
5 twenty-seven thousand two hundred eighteen dollars except those  
6 counties where court is held in two cities; thirty thousand three  
7 hundred eight dollars; except Marion County circuit clerks,  
8 district one and district two in Hannibal, thirty-one thousand  
9 three hundred eighty-three dollars;

10 (4) In the city of St. Louis, sixty-seven thousand three  
11 hundred sixty dollars;

12 (5) The compensation of circuit clerks provided by this  
13 subsection shall annually be increased by an amount equivalent to  
14 the annual salary adjustment approved pursuant to section  
15 476.405, RSMo, for employees of the judicial department.

16 2. Such circuit clerks shall receive in addition to any  
17 salary provided by this section any salary adjustment provided  
18 pursuant to section 476.405, RSMo.

19 3. In the event the judge orders child support payments in  
20 Marion County to be made through the clerk, the clerk shall  
21 annually, on or before February first of each year, charge ten  
22 dollars per year to each such person so obligated to make child  
23 support payments, which fee shall be paid to the state.

24 4. Payment of the compensation provided in this section

1 shall be payable in equal monthly installments, except that the  
2 salary of the circuit clerk of the city of St. Louis shall be  
3 paid in semimonthly installments and except that all such  
4 compensation paid by the state shall be paid in installments as  
5 provided in section 33.100, RSMo. The compensation of all  
6 circuit clerks shall be paid by the state and they shall be  
7 considered state employees for all purposes except the manner of  
8 their selection, appointment or removal from office; except that,  
9 the circuit clerk of the city of St. Louis, the circuit clerk of  
10 St. Louis County and the court administrator of Jackson County  
11 shall continue to be paid by the city and those counties and  
12 shall not become state employees, but the city of St. Louis, St.  
13 Louis County and Jackson County shall each be paid an amount  
14 which is equivalent to a circuit clerk's salary as provided in  
15 subsection 3 of section 483.015.

16 5. The compensation provided in this section shall be in  
17 lieu of all fees, and all fees collected shall be paid over to  
18 the state or to the counties and the city of St. Louis as  
19 otherwise provided by law.

20 488.2250. 1. For all transcripts of testimony given or  
21 proceedings had in any circuit court, the court reporter shall  
22 receive the sum of [one dollar and fifty cents] two dollars and  
23 twenty-five cents per twenty-five line page for the original of  
24 the transcript, and the sum of [thirty-five] fifty cents per

1 twenty-five line page for each [carbon] copy thereof; the page to  
2 be approximately eight and one-half inches by eleven inches in  
3 size, with left-hand margin of approximately one and one-half  
4 inches and the right-hand margin of approximately one-half inch;  
5 answer to follow question on same line when feasible; such page  
6 to be designated as a legal page. Any judge, in his or her  
7 discretion, may order a transcript of all or any part of the  
8 evidence or oral proceedings, and the court reporter's fees for  
9 making the same shall be paid by the state upon a voucher  
10 approved by the court, and taxed against the state. In criminal  
11 cases where an appeal is taken by the defendant, and it appears  
12 to the satisfaction of the court that the defendant is unable to  
13 pay the costs of the transcript for the purpose of perfecting the  
14 appeal, the court shall order the court reporter to furnish three  
15 transcripts in duplication of the notes of the evidence, for [the  
16 original of] which he or she shall receive [one dollar and fifty]  
17 two dollars and twenty-five cents per [legal] twenty-five line  
18 page and for [the] additional copies [twenty] fifty cents per  
19 page. The payment of court reporter's fees provided in this  
20 section shall be made by the state upon a voucher approved by the  
21 court.

22 2. Beginning January 1, 2004, the amounts a court reporter  
23 shall receive for transcripts described in subsection 1 of this  
24 section shall be increased or decreased on an annual basis,

1 effective January first of each year, in accordance with the  
2 Implicit Price Deflator for Personal Consumption Expenditures as  
3 published by the Bureau of Economic Analysis of the United States  
4 Department of Commerce. The current value of the limitation  
5 shall be calculated by the director of the department of  
6 insurance, who shall furnish the value to the secretary of state,  
7 who shall publish such value in the Missouri Register each year,  
8 as soon after the first day of January as practical, but shall be  
9 otherwise exempt from the provisions of section 536.021, RSMo.

10 488.2253. In every contested case, or case in which the  
11 evidence is to be preserved, except for the collection of  
12 delinquent or back taxes, before any circuit judge when an  
13 official court reporter is appointed, the clerk of said court  
14 shall tax up the sum of [fifteen] twenty-five dollars, to be  
15 collected as other costs, and paid by said clerk to the director  
16 of revenue of the state.

17 488.4014. 1. A fee of ten dollars[, as provided in section  
18 67.133, RSMo,] shall be assessed in all cases in which the  
19 defendant [is convicted of violating] pleads guilty or is found  
20 guilty of a nonfelony violation of any provision of chapters 252,  
21 301, 302, 304, 306, 307 and 390, RSMo, and any infraction  
22 otherwise provided by law, a fee of twenty-five dollars shall be  
23 assessed in all misdemeanor cases otherwise provided by law in  
24 which the defendant pleads guilty or is found guilty, and a fee

1     of seventy-five dollars shall be assessed in all felony cases in  
2     which the defendant pleads guilty or is found guilty, in criminal  
3     cases including violations of any county ordinance or any  
4     violation of a criminal or traffic law of the state, except that  
5     no such fees shall be collected in any proceeding in any court  
6     when the proceeding or the defendant has been dismissed by the  
7     court or when costs are to be paid by the state, county or  
8     municipality. All fees collected under the provisions of this  
9     section [67.133, RSMo,] shall be collected and disbursed in the  
10    manner provided by sections 488.010 to 488.020 and payable to the  
11    county treasurer who shall deposit those funds in the county  
12    treasury.

13         2. Counties shall be entitled to a judgment in the amount  
14    of twenty-five percent of all sums collected, pursuant to this  
15    section [67.133, RSMo], on recognizances given to the state in  
16    criminal cases, which are or may become forfeited, if not more  
17    than five hundred dollars, and fifteen percent of all sums over  
18    five hundred dollars, to be paid out of the amount collected.

19         488.5019. A surcharge of ten dollars shall be assessed as  
20    costs in each court proceeding filed in any court in the state in  
21    all felony criminal cases involving chapters 195, 565, 566, 569,  
22    570, and 571, RSMo; except that no such surcharge shall be  
23    collected in any proceeding in any court when the proceeding or  
24    the defendant has been dismissed by the court or when costs are

1 to be paid by the state, county, or municipality.

2 488.5320. 1. Sheriffs, county marshals or other officers  
3 shall be allowed a charge[, as provided in section 57.290, RSMo,]  
4 for their services rendered in criminal cases and in all  
5 proceedings for contempt or attachment, as required by law, the  
6 sum of seventy-five dollars for each felony case or contempt or  
7 attachment proceeding, ten dollars for each misdemeanor case, and  
8 six dollars for each infraction, excluding cases disposed of by a  
9 traffic violations bureau established pursuant to law or supreme  
10 court rule. Such charges shall be charged and collected in the  
11 manner provided by sections 488.010 to 488.020 and shall be  
12 payable to the county treasury.

13 2. The sheriff receiving any charge pursuant to [section  
14 57.290, RSMo,] subsection 1 of this section shall reimburse the  
15 sheriff of any other county or the City of St. Louis the sum of  
16 three dollars for each pleading, writ, summons, order of court or  
17 other document served in connection with the case or proceeding  
18 by the sheriff of the other county or city, and return made  
19 thereof, to the maximum amount of the total charge received  
20 pursuant to [section 57.290, RSMo] subsection 1 of this section.

21 [3. As provided in section 57.290, RSMo, in cities and  
22 counties having a population of three hundred thousand  
23 inhabitants and over, each deputy sheriff, but not more than two  
24 deputy sheriffs, shall be allowed six dollars for each day during

1 the term of court, to be paid by the city or county having a  
2 population of three hundred thousand inhabitants or over.

3 4. For the services of taking convicted offenders to the  
4 reception and diagnostic center designated by the director of the  
5 department of corrections, the sheriff, county marshal or other  
6 officers shall, as provided in section 57.290, RSMo, receive the  
7 sum of eight dollars per day for the time actually and  
8 necessarily employed in traveling to and from the reception and  
9 diagnostic center, and each guard shall, as provided in section  
10 57.290, RSMo, receive the sum of six dollars per day for the  
11 same, and the sheriff, county marshal or other officer and guard  
12 shall, as provided in section 57.290, RSMo, receive the mileage  
13 rate prescribed by section 57.290, RSMo, for the distance  
14 necessarily traveled in going to and returning from the reception  
15 and diagnostic center, the time and distance to be estimated by  
16 the most usually traveled route from the place of departure to  
17 the reception and diagnostic center; the mileage rate prescribed  
18 by section 57.290, RSMo, for each mile traveled shall be allowed  
19 to the sheriff to cover all expenses on each convicted offender  
20 while being taken to the reception and diagnostic center; and all  
21 persons convicted and sentenced to imprisonment in the department  
22 of corrections at any term or sitting of the court, shall be  
23 taken to the reception and diagnostic center at the same time,  
24 unless prevented by sickness or unavoidable accident. In cities

1       having a population of two hundred thousand inhabitants or more,  
2       convicted offenders shall be taken to the reception and  
3       diagnostic center as often as the sheriff deems necessary. When  
4       three or more convicted offenders are being taken to the  
5       reception and diagnostic center at one time, a guard may be  
6       employed, as provided in section 57.290, RSMo, but no guard shall  
7       be employed for a less number of convicted offenders except upon  
8       the order, entered of record, of the judge of the court in which  
9       the conviction was had, and any additional guards employed by  
10      order of the judge shall, in no event, exceed one for every three  
11      convicted offenders; and before any claim for taking convicted  
12      offenders to the reception and diagnostic center is allowed, the  
13      sheriff, or other officer conveying such convicted offender,  
14      shall file with the state commissioner of administration an  
15      itemized statement of such sheriff's account, in which the  
16      sheriff shall give the name of each convicted offender conveyed  
17      and the name of each guard actually employed, with the number of  
18      miles necessarily traveled and the number of days required, which  
19      in no case shall exceed three days, and which account shall be  
20      signed and sworn to by such officer and accompanied by a  
21      certificate from the chief administrative officer or such  
22      officer's designee of the reception and diagnostic center, that  
23      such convicted offenders have been delivered at the reception and  
24      diagnostic center and were accompanied by each of the officers



1 and guards named in the account.

2 5. The sheriff or other officer who shall take a person,  
3 charged with a criminal offense, from the county in which the  
4 offender is apprehended to that in which the offense was  
5 committed, or who may remove a prisoner from one county to  
6 another for any cause authorized by law, or who shall have in  
7 custody or under such sheriff's or officer's charge any person  
8 undergoing an examination preparatory to such person's commitment  
9 more than one day for transporting, safekeeping and maintaining  
10 any such person, shall be allowed by the court having cognizance  
11 of the offense, three dollars and fifty cents per day, as  
12 provided in section 57.290, RSMo, for every day such sheriff or  
13 officer may have such person under such sheriff's or officer's  
14 charge, when the number of days shall exceed one, and the mileage  
15 rate prescribed by section 57.290, RSMo, for every mile  
16 necessarily traveled in going to and returning from one county to  
17 another, and the guard employed, who shall in no event exceed the  
18 number allowed the sheriff, marshal or other officer in  
19 transporting convicted offenders to the reception and diagnostic  
20 center, shall be allowed, as provided in section 57.290, RSMo,  
21 the same compensation as the officer. Three dollars and fifty  
22 cents per day, mileage same as officer, shall be allowed for  
23 board and all other expenses of each prisoner. No compensation  
24 shall be allowed under this section for taking the prisoner or

1 prisoners from one place to another in the same county, excepting  
2 in counties which have two or more courts with general criminal  
3 jurisdiction. In such counties the sheriff shall have the same  
4 fees for conveying prisoners from the jail to place of trial as  
5 are allowed for conveying prisoners in like cases from one county  
6 to another, and the expenses incurred in transporting prisoners  
7 from one county to another, occasioned by the insufficiency of  
8 the county jail or threatened mob violence, shall be paid by the  
9 county in which such case may have originated; provided that the  
10 court is held at a place more than five miles from the jail; and  
11 no court shall allow the expense of a guard, although it may have  
12 actually been incurred, unless from the evidence of disinterested  
13 persons it shall be satisfied that a guard was necessary;  
14 provided, that when the place of conviction is remote from a  
15 railroad, upon which a convicted offender may be transported to  
16 the reception and diagnostic center, the court before which such  
17 convicted offender is sentenced may, for good cause shown, allow  
18 one guard for every two convicted offenders, such guard to  
19 receive three dollars a day and the mileage rate prescribed by  
20 section 57.290, RSMo, for every mile necessarily traveled in  
21 going to and returning from the nearest depot on such railroad to  
22 the place where such convicted offender was sentenced.

23 6.] 3. The charges provided in subsection 1 of this section  
24 shall be taxed as other costs in criminal [procedure] proceedings

1 immediately [after conviction] upon a plea of guilty or a finding  
2 of guilt of any defendant in any criminal procedure. The clerk  
3 shall tax all the costs in the case against such defendant, which  
4 shall be collected and disbursed as provided by sections 488.010  
5 to 488.020; provided, that no such charge shall be collected in  
6 any proceeding in any court when the proceeding or the defendant  
7 has been dismissed by the court; provided further, that all  
8 costs, incident to the issuing and serving of writs of scire  
9 facias and of writs of fieri facias, and of attachments for  
10 witnesses of defendant, shall in no case be paid by the state,  
11 but such costs incurred under writs of fieri facias and scire  
12 facias shall be paid by the defendant and such defendant's  
13 sureties, and costs for attachments for witnesses shall be paid  
14 by such witnesses.

15 [7.] 4. Mileage shall be reimbursed to sheriffs, county  
16 marshals and guards for all services rendered pursuant to this  
17 section [57.290, RSMo,] at the rate prescribed by the Internal  
18 Revenue Service for allowable expenses for motor vehicle use  
19 expressed as an amount per mile.

20 494.425. The following persons shall be disqualified from  
21 serving as a petit or grand juror:

- 22 (1) Any person who is less than twenty-one years of age;  
23 (2) Any person not a citizen of the United States;  
24 (3) Any person not a resident of the county or city not

1 within a county served by the court issuing the summons;

2 (4) Any person who has been convicted of a felony, unless  
3 such person has been restored to his civil rights;

4 (5) Any person unable to read, speak and understand the  
5 English language, unless such person's inability is due to a  
6 vision, speech, or hearing impairment which can be adequately  
7 compensated for through the use of auxiliary aids or services;

8 (6) Any person on active duty in the armed forces of the  
9 United States or any member of the organized militia on active  
10 duty under order of the governor;

11 (7) Any licensed attorney at law;

12 (8) Any judge of a court of record;

13 (9) Any person who, in the judgment of the court or the  
14 board of jury commissioners, is incapable of performing the  
15 duties of a juror because of mental or physical illness or  
16 infirmity.

17 511.350. 1. Judgments and decrees [rendered] entered by  
18 the supreme court, by any United States district or circuit court  
19 held within this state, by any district of the court of appeals,  
20 by any circuit court and any probate division of the circuit  
21 court, except judgments and decrees rendered by associate, small  
22 claims and municipal divisions of the circuit courts, shall be  
23 liens on the real estate of the person against whom they are  
24 [rendered] entered, situate in the county for which or in which

1 the court is held.

2 2. Judgments and decrees rendered by the associate  
3 divisions of the circuit courts shall not be liens on the real  
4 estate of the person against whom they are rendered until such  
5 judgments or decrees are filed with the clerk of the circuit  
6 court pursuant to sections 517.141 and 517.151, RSMo.

7 3. Judgments and decrees [rendered] entered by the small  
8 claims and municipal divisions of the circuit court shall not  
9 constitute liens against the real estate of the person against  
10 whom they are rendered.

11 4. Notwithstanding any other provision of law, no judgments  
12 or decrees entered by any court of competent jurisdiction may be  
13 amended or modified by any administrative agency.

14 535.030. 1. Such summons shall be served as in other civil  
15 cases at least four business days before the court date in the  
16 summons. The summons shall include a court date which shall not  
17 be more than twenty-one business days from the date the summons  
18 is issued unless at the time of filing the affidavit the  
19 plaintiff or plaintiff's attorney consents in writing to a later  
20 date.

21 2. In addition to attempted personal service, the plaintiff  
22 may request, and thereupon the clerk of the court shall make an  
23 order directing that the officer, or other person empowered to  
24 execute the summons, shall also serve the same by securely

1 affixing a copy of such summons and the complaint in a  
2 conspicuous place on the dwelling of the premises in question at  
3 least ten days before the court date in such summons, and by also  
4 mailing a copy of the summons and complaint to the defendant at  
5 the defendant's last known address by ordinary mail and by  
6 certified mail, return receipt requested, deliver to addressee  
7 only, at least ten days before the court date. If the officer,  
8 or other person empowered to execute the summons, shall return  
9 that the defendant is not found, or that the defendant has  
10 absconded or vacated his usual place of abode in this state, and  
11 if proof be made by affidavit of the posting and of the mailing  
12 of a copy of the summons and complaint, the judge shall at the  
13 request of the plaintiff proceed to hear the case as if there had  
14 been personal service, and judgment shall be rendered and  
15 proceedings had as in other cases, except that no money judgment  
16 shall be granted the plaintiff where the defendant is in default  
17 and service is by the posting and mailing procedure set forth in  
18 this section.

19 3. If the plaintiff does not request service of the  
20 original summons by posting and mailing as provided in subsection  
21 2 of this section, and if the officer, or other person empowered  
22 to execute the summons, makes return that the defendant is not  
23 found, or that the defendant has absconded or vacated the  
24 defendant's usual place of abode in this state, the plaintiff may

1 request the issuance of an alias summons and service of the same  
2 by posting and mailing in the time and manner provided in  
3 subsection 2 of this section. In addition, the plaintiff or an  
4 agent of the plaintiff who is at least eighteen years of age may  
5 serve the summons by posting and mailing a copy of the summons in  
6 the time and manner provided in subsection 2 of this section.  
7 Upon proof by affidavit of the posting and of the mailing of a  
8 copy of the summons or alias summons and the complaint, the judge  
9 shall proceed to hear the case as if there had been personal  
10 service, and judgment shall be rendered and proceedings had as in  
11 other cases, except that no money judgment shall be granted the  
12 plaintiff where the defendant is in default and service is by the  
13 posting and mailing procedure provided in subsection 2 of this  
14 section.

15 4. On the date judgment is rendered as provided in this  
16 section where the defendant is in default, the clerk of the court  
17 shall mail to the defendant at the defendant's last known address  
18 by certified mail, with a request for return receipt and with  
19 directions to deliver to the addressee only, a notice informing  
20 the defendant of the judgment and the date it was entered, and  
21 stating that the defendant has ten days from the date of the  
22 judgment to file a motion to set aside the judgment or to file an  
23 application for a trial de novo in the circuit court, as the case  
24 may be, and that unless the judgment is set aside or an

1 application for a trial de novo is filed within ten days, the  
2 judgment will become final and the defendant will be subject to  
3 eviction from the premises without further notice.

4 565.084. 1. A person commits the crime of tampering with a  
5 judicial officer if, with the purpose to harass, intimidate, or  
6 influence a judicial officer in the performance of such officer's  
7 official duties, [he] the actor:

8 (1) Threatens or causes harm to such judicial officer or  
9 members of such judicial officer's family;

10 (2) Uses force, threats, or deception against or toward  
11 such judicial officer or members of such judicial officer's  
12 family;

13 (3) Offers, conveys or agrees to convey any benefit direct  
14 or indirect upon such judicial officer or such judicial officer's  
15 family;

16 (4) Engages in conduct reasonably calculated to harass or  
17 alarm such judicial officer or such judicial officer's family,  
18 including stalking pursuant to section 565.225.

19 2. A judicial officer for purposes of this section shall be  
20 a judge, arbitrator, mediator, or guardian ad litem appointed by  
21 a court, special master, juvenile court commissioner, juvenile  
22 court officer, drug court commissioner, family court  
23 commissioner, state probation or parole officer[, or referee].

24 3. A judicial officer's family for purposes of this section



1 shall be:

2 (1) [His] The officer's spouse; or

3 (2) [His or his] The officer's or the officer's spouse's  
4 ancestor or descendant by blood or adoption; or

5 (3) [His] The officer's stepchild, while the marriage  
6 creating that relationship exists.

7 4. Tampering with a judicial officer is a class C felony.

8 589.313. 1. There is hereby created in the state treasury  
9 the "GREAT Fund". The fund shall consist of money collected  
10 pursuant to section 488.5019, RSMo, in addition to money  
11 appropriated by the general assembly, charges, gifts, grants,  
12 bequests from federal, private, or other sources and investment  
13 income on the fund. The provisions of section 33.080, RSMo, to  
14 the contrary notwithstanding, moneys in the GREAT fund shall not  
15 be transferred and placed to the credit of the general revenue  
16 fund.

17 2. This fund shall be administered by the department of  
18 public safety in accordance with the provisions of this section.

19 3. The department of public safety and local law  
20 enforcement shall, in conjunction with the department of  
21 elementary and secondary education, develop a "Gang Resistance  
22 Education and Training Program" (GREAT) for school districts  
23 which the department of elementary and secondary education  
24 determines are in need of such programs. GREAT shall be designed

1 to help children set goals, resolve conflicts without violence,  
2 resist school bullying, and understand how gangs and youth  
3 violence impacts individuals and communities. The funds received  
4 annually by the GREAT fund shall be distributed to the gang  
5 resistance education and training program (GREAT) to be used to  
6 promote the program. The department of public safety and the  
7 department of elementary and secondary education shall work  
8 together to develop criteria for local law enforcement and local  
9 public school districts, working together, to receive funds to  
10 carry out the goals of GREAT.

11       590.653. 1. Each city, county and city not within a county  
12 may establish a civilian review board, or may use an existing  
13 civilian review board which has been appointed by the local  
14 governing body, with the authority to investigate allegations of  
15 misconduct by local law enforcement officers towards members of  
16 the public. The members shall not receive compensation but shall  
17 receive reimbursement from the local governing body for all  
18 reasonable and necessary expenses.

19       2. The board shall have the power to receive, investigate,  
20 make findings and recommend disciplinary action upon complaints  
21 by members of the public against members of the police department  
22 that allege misconduct involving excessive use of force, abuse of  
23 authority, discourtesy, or use of offensive language, including,  
24 but not limited to, slurs relating to race, ethnicity, religion,

1 gender, sexual orientation and disability. The board may  
2 subpoena witnesses, administer oaths, require the production of  
3 books, papers, accounts, documents, and other records or material  
4 of any evidentiary nature, and may examine witnesses in any  
5 investigation or proceeding authorized pursuant to subsection 1  
6 of this section. The findings and recommendations of the board,  
7 and the basis therefor, shall be submitted to the chief law  
8 enforcement official. No finding or recommendation shall be  
9 based solely upon an unsworn complaint or statement, nor shall  
10 prior unsubstantiated, unfounded or withdrawn complaints be the  
11 basis for any such findings or recommendations.

12 595.045. 1. There is established in the state treasury the  
13 "Crime Victims' Compensation Fund". A surcharge of seven dollars  
14 and fifty cents shall be assessed as costs in each court  
15 proceeding filed in any court in the state in all criminal cases  
16 including violations of any county ordinance or any violation of  
17 criminal or traffic laws of the state, including an infraction  
18 and violation of a municipal ordinance; except that no such fee  
19 shall be collected in any proceeding in any court when the  
20 proceeding or the defendant has been dismissed by the court or  
21 when costs are to be paid by the state, county, or municipality.  
22 A surcharge of seven dollars and fifty cents shall be assessed as  
23 costs in a juvenile court proceeding in which a child is found by  
24 the court to come within the applicable provisions of subdivision

1 (3) of subsection 1 of section 211.031, RSMo.

2 2. Notwithstanding any other provision of law to the  
3 contrary, the moneys collected by clerks of the courts pursuant  
4 to the provisions of subsection 1 of this section shall be  
5 collected and disbursed in accordance with sections 488.010 to  
6 488.020, RSMo, and shall be payable to the director of the  
7 department of revenue.

8 3. The director of revenue shall deposit annually the  
9 amount of two hundred fifty thousand dollars to the state  
10 forensic laboratory account administered by the department of  
11 public safety to provide financial assistance to defray expenses  
12 of crime laboratories if such analytical laboratories are  
13 registered with the federal Drug Enforcement Agency or the  
14 Missouri department of health and senior services. Subject to  
15 appropriations made therefor, such funds shall be distributed by  
16 the department of public safety to the crime laboratories serving  
17 the courts of this state making analysis of a controlled  
18 substance or analysis of blood, breath or urine in relation to a  
19 court proceeding.

20 4. The remaining funds collected under subsection 1 of this  
21 section shall be denoted to the payment of an annual  
22 appropriation for the administrative and operational costs of the  
23 office for victims of crime and, if a statewide automated crime  
24 victim notification system is established pursuant to section

1 650.310, RSMo, to the monthly payment of expenditures actually  
2 incurred in the operation of such system. Additional remaining  
3 funds shall be subject to the following provisions:

4 (1) On the first of every month, the director of revenue or  
5 the director's designee shall determine the balance of the funds  
6 in the crime victims' compensation fund available to satisfy the  
7 amount of compensation payable pursuant to sections 595.010 to  
8 595.075, excluding sections 595.050 and 595.055;

9 (2) Beginning on [October 1, 1996, and] September 1, 2003,  
10 on the first of each month[, if the balance of the funds  
11 available exceeds one million dollars plus one hundred percent of  
12 the previous twelve months' actual expenditures, excluding the  
13 immediate past calendar month's expenditures, paid pursuant to  
14 sections 595.010 to 595.075, excluding sections 595.050 and  
15 595.055, then] the director of revenue or the director's designee  
16 shall deposit fifty percent of the balance of the funds available  
17 to the credit of the crime victims' compensation fund and fifty  
18 percent to the services to victims' fund established in section  
19 595.100[;

20 (3) Beginning on October 1, 1996, and on the first of each  
21 month, if the balance of the funds available is less than one  
22 million dollars plus one hundred percent of the previous twelve  
23 months' actual expenditures, excluding the immediate past  
24 calendar month's expenditures, paid pursuant to sections 595.010

1 to 595.075, excluding sections 595.050 and 595.055, then the  
2 director of revenue or the director's designee shall deposit  
3 seventy-five percent to the credit of the crime victims'  
4 compensation fund and twenty-five percent to the services to  
5 victims' fund established in section 595.100].

6 5. The director of revenue or such director's designee  
7 shall at least monthly report the moneys paid pursuant to this  
8 section into the crime victims' compensation fund and the  
9 services to victims fund to the division of workers' compensation  
10 and the department of public safety, respectively.

11 6. The moneys collected by clerks of municipal courts  
12 pursuant to subsection 1 of this section shall be collected and  
13 disbursed as provided by sections 488.010 to 488.020, RSMo. Five  
14 percent of such moneys shall be payable to the city treasury of  
15 the city from which such funds were collected. The remaining  
16 ninety-five percent of such moneys shall be payable to the  
17 director of revenue. The funds received by the director of  
18 revenue pursuant to this subsection shall be distributed as  
19 follows:

20 (1) On the first of every month, the director of revenue or  
21 the director's designee shall determine the balance of the funds  
22 in the crime victims' compensation fund available to satisfy the  
23 amount of compensation payable pursuant to sections 595.010 to  
24 595.075, excluding sections 595.050 and 595.055;

1           (2) Beginning on [October 1, 1996, and] September 1, 2003,  
2 on the first of each month[, if the balance of the funds  
3 available exceeds one million dollars plus one hundred percent of  
4 the previous twelve months' actual expenditures, excluding the  
5 immediate past calendar month's expenditures, paid pursuant to  
6 sections 595.010 to 595.075, excluding sections 595.050 and  
7 595.055, then] the director of revenue or the director's designee  
8 shall deposit fifty percent of the balance of the funds available  
9 to the credit of the crime victims' compensation fund and fifty  
10 percent to the services to victims' fund established in section  
11 595.100[;

12           (3) Beginning on October 1, 1996, and on the first of each  
13 month, if the balance of the funds available is less than one  
14 million dollars plus one hundred percent of the previous twelve  
15 months' actual expenditures, excluding the immediate past  
16 calendar month's expenditures, paid pursuant to sections 595.010  
17 to 595.075, excluding sections 595.050 and 595.055, then the  
18 director of revenue or the director's designee shall deposit  
19 seventy-five percent to the credit of the crime victims'  
20 compensation fund and twenty-five percent to the services to  
21 victims' fund established in section 595.100].

22           7. These funds shall be subject to a biennial audit by the  
23 Missouri state auditor. Such audit shall include all records  
24 associated with crime victims' compensation funds collected, held

1 or disbursed by any state agency.

2 8. In addition to the moneys collected pursuant to  
3 subsection 1 of this section, the court shall enter a judgment in  
4 favor of the state of Missouri, payable to the crime victims'  
5 compensation fund, of sixty-eight dollars if the conviction is  
6 for a class A or B felony; forty-six dollars if the conviction is  
7 for a class C or D felony; and ten dollars if the conviction is  
8 for any misdemeanor under the following Missouri laws:

9 (1) Chapter 195, RSMo, relating to drug regulations;

10 (2) Chapter 311, RSMo, but relating only to felony  
11 violations of this chapter committed by persons not duly licensed  
12 by the supervisor of liquor control;

13 (3) Chapter 491, RSMo, relating to witnesses;

14 (4) Chapter 565, RSMo, relating to offenses against the  
15 person;

16 (5) Chapter 566, RSMo, relating to sexual offenses;

17 (6) Chapter 567, RSMo, relating to prostitution;

18 (7) Chapter 568, RSMo, relating to offenses against the  
19 family;

20 (8) Chapter 569, RSMo, relating to robbery, arson, burglary  
21 and related offenses;

22 (9) Chapter 570, RSMo, relating to stealing and related  
23 offenses;

24 (10) Chapter 571, RSMo, relating to weapons offenses;



- 1           (11) Chapter 572, RSMo, relating to gambling;
- 2           (12) Chapter 573, RSMo, relating to pornography and related  
3 offenses;
- 4           (13) Chapter 574, RSMo, relating to offenses against public  
5 order;
- 6           (14) Chapter 575, RSMo, relating to offenses against the  
7 administration of justice;
- 8           (15) Chapter 577, RSMo, relating to public safety offenses.

9       Any clerk of the court receiving moneys pursuant to such  
10 judgments shall collect and disburse such crime victims'  
11 compensation judgments in the manner provided by sections 488.010  
12 to 488.020, RSMo. Such funds shall be payable to the state  
13 treasury and deposited to the credit of the crime victims'  
14 compensation fund.

15       9. The clerk of the court processing such funds shall  
16 maintain records of all dispositions described in subsection 1 of  
17 this section and all dispositions where a judgment has been  
18 entered against a defendant in favor of the state of Missouri in  
19 accordance with this section; all payments made on judgments for  
20 alcohol-related traffic offenses; and any judgment or portion of  
21 a judgment entered but not collected. These records shall be  
22 subject to audit by the state auditor. The clerk of each court  
23 transmitting such funds shall report separately the amount of

1 dollars collected on judgments entered for alcohol-related  
2 traffic offenses from other crime victims' compensation  
3 collections or services to victims collections.

4 10. The clerks of the court shall report all delinquent  
5 payments to the department of revenue by October first of each  
6 year for the preceding fiscal year, and such sums may be withheld  
7 pursuant to subsection 15 of this section.

8 11. The department of revenue shall maintain records of  
9 funds transmitted to the crime victims' compensation fund by each  
10 reporting court and collections pursuant to subsection 18 of this  
11 section and shall maintain separate records of collection for  
12 alcohol-related offenses.

13 12. Notwithstanding any other provision of law to the  
14 contrary, the provisions of subsections 9 and 10 of this section  
15 shall expire and be of no force and effect upon the effective  
16 date of the supreme court rule adopted pursuant to sections  
17 488.010 to 488.020, RSMo.

18 13. The state courts administrator shall include in the  
19 annual report required by section 476.350, RSMo, the circuit  
20 court caseloads and the number of crime victims' compensation  
21 judgments entered.

22 14. All awards made to injured victims under sections  
23 595.010 to 595.105 and all appropriations for administration of  
24 sections 595.010 to 595.105, except sections 595.050 and 595.055,

1 shall be made from the crime victims' compensation fund. Any  
2 unexpended balance remaining in the crime victims' compensation  
3 fund at the end of each biennium shall not be subject to the  
4 provision of section 33.080, RSMo, requiring the transfer of such  
5 unexpended balance to the ordinary revenue fund of the state, but  
6 shall remain in the crime victims' compensation fund. In the  
7 event that there are insufficient funds in the crime victims'  
8 compensation fund to pay all claims in full, all claims shall be  
9 paid on a pro rata basis. If there are no funds in the crime  
10 victims' compensation fund, then no claim shall be paid until  
11 funds have again accumulated in the crime victims' compensation  
12 fund. When sufficient funds become available from the fund,  
13 awards which have not been paid shall be paid in chronological  
14 order with the oldest paid first. In the event an award was to  
15 be paid in installments and some remaining installments have not  
16 been paid due to a lack of funds, then when funds do become  
17 available that award shall be paid in full. All such awards on  
18 which installments remain due shall be paid in full in  
19 chronological order before any other postdated award shall be  
20 paid. Any award pursuant to this subsection is specifically not  
21 a claim against the state, if it cannot be paid due to a lack of  
22 funds in the crime victims' compensation fund.

23 15. When judgment is entered against a defendant as  
24 provided in this section and such sum, or any part thereof,

1 remains unpaid, there shall be withheld from any disbursement,  
2 payment, benefit, compensation, salary, or other transfer of  
3 money from the state of Missouri to such defendant an amount  
4 equal to the unpaid amount of such judgment. Such amount shall  
5 be paid forthwith to the crime victims' compensation fund and  
6 satisfaction of such judgment shall be entered on the court  
7 record. Under no circumstances shall the general revenue fund be  
8 used to reimburse court costs or pay for such judgment. The  
9 director of the department of corrections shall have the  
10 authority to pay into the crime victims' compensation fund from  
11 an offender's compensation or account the amount owed by the  
12 offender to the crime victims' compensation fund, provided that  
13 the offender has failed to pay the amount owed to the fund prior  
14 to entering a correctional facility of the department of  
15 corrections.

16 16. All interest earned as a result of investing funds in  
17 the crime victims' compensation fund shall be paid into the crime  
18 victims' compensation fund and not into the general revenue of  
19 this state.

20 17. Any person who knowingly makes a fraudulent claim or  
21 false statement in connection with any claim hereunder is guilty  
22 of a class A misdemeanor.

23 18. Any gifts, contributions, grants or federal funds  
24 specifically given to the division for the benefit of victims of

1 crime shall be credited to the crime victims' compensation fund.  
2 Payment or expenditure of moneys in such funds shall comply with  
3 any applicable federal crime victims' compensation laws, rules,  
4 regulations or other applicable federal guidelines.

5 595.050. 1. From funds appropriated for services to  
6 victims of crime, the director may contract with public or  
7 private agencies to provide assistance to victims of crime  
8 through direct services, emergency services, crisis intervention  
9 counseling and victim advocacy. Any such contract may consist  
10 solely of, or may include, educational and informational services  
11 to the public about the availability of services for victims of  
12 crime which are designed to alleviate the results of criminal  
13 acts. Under no circumstances shall the expenditures from general  
14 revenue for the purpose provided in this section exceed the  
15 amount of ninety thousand dollars each fiscal year.

16 2. The director shall ensure that funds administered under  
17 section 595.055, section 595.105 and this section will not be  
18 used by any agency to supplant existing funds which are presently  
19 being used to provide assistance to victims of crime. This  
20 restriction shall not apply to funds used by any not-for-profit  
21 agency.

22 3. Each contract shall be subject to review by the director  
23 at least annually.

24 Section B. The provisions of sections 488.5019 and 589.313

1 of section A of this act shall terminate on December 31, 2008.